

ASSEMBLY BILL

No. 44

Introduced by Assembly Member Buchanan

December 18, 2012

An act to amend Section 4104 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 44, as introduced, Buchanan. Subletting and Subcontracting Fair Practices Act: bidding practices.

The Subletting and Subcontracting Fair Practices Act requires the entity taking bids for the construction of any public work or improvement to specify that any person making a bid or offer to perform the work shall, in his or her bid or offer, include specified information, including the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the work or improvement.

This bill would remove the requirement that the location of each subcontractor's business be included in the bid or offer and instead require that the California contractor license number of each subcontractor be provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4104 of the Public Contract Code is
2 amended to read:

1 4104. Any officer, department, board, or commission taking
2 bids for the construction of any public work or improvement shall
3 provide in the specifications prepared for the work or improvement
4 or in the general conditions under which bids will be received for
5 the doing of the work incident to the public work or improvement
6 that any person making a bid or offer to perform the work, shall,
7 in his or her bid or offer, set forth:

8 (a) (1) The name and the ~~location of the place of business~~
9 *California contractor license number* of each subcontractor who
10 will perform work or labor or render service to the prime contractor
11 in or about the construction of the work or improvement, or a
12 subcontractor licensed by the State of California who, under
13 subcontract to the prime contractor, specially fabricates and installs
14 a portion of the work or improvement according to detailed
15 drawings contained in the plans and specifications, in an amount
16 in excess of one-half of 1 percent of the prime contractor's total
17 bid or, in the case of bids or offers for the construction of streets
18 or highways, including bridges, in excess of one-half of 1 percent
19 of the prime contractor's total bid or ten thousand dollars (\$10,000),
20 whichever is greater.

21 (2) (A) Subject to subparagraph (B), any information requested
22 by the officer, department, board, or commission concerning any
23 subcontractor who the prime contractor is required to list under
24 this subdivision, other than the subcontractor's name and ~~location~~
25 ~~of business~~ *California contractor license number*, may be
26 submitted by the prime contractor up to 24 hours after the deadline
27 established by the officer, department, board, or commission for
28 receipt of bids by prime contractors.

29 (B) A state or local agency may implement subparagraph (A)
30 at its option.

31 (b) The portion of the work that will be done by each
32 subcontractor under this act. The prime contractor shall list only
33 one subcontractor for each portion as is defined by the prime
34 contractor in his or her bid.